

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIANE DENMARK,

Plaintiff

v.

Civil Action No. 04-12261-DPW

LIBERTY MUTUAL ASSURANCE
COMPANY OF BOSTON, THE GENRAD,
INC. LONG TERM DISABILITY PLAN,
THROUGH TERADYNE, INC., AS
SUCCESSOR FIDUCIARY

Defendants

**ASSENTED TO MOTION TO EXTEND TIME FOR DEFENDANTS TO FILE
OPPOSITION TO PLAINTIFF'S MOTION TO ESTABLISH DENIAL OF BENEFITS
CLAIM IS SUBJECT TO DE NOVO STANDARD OF REVIEW**

Defendants, Liberty Life Assurance Company of Boston¹ and The Genrad, Inc. Long Term Disability Plan, Through Teradyne, Inc., as Successor Fiduciary, respectfully request, with the assent of the Plaintiff, that they be granted a brief extension of time to file an opposition to "Plaintiff's Motion to Establish Denial of Benefits Claim by Liberty Mutual Assurance Claim of Boston is Subject to the De Novo Standard of Review." As grounds for this motion, Liberty Life states the following:

1. On or about February 4, 2005, Plaintiff filed her Motion to Establish Denial of Benefits Claim by Liberty Mutual Assurance Company of Boston Subject to the De Novo Standard of Review. On or about February 9, 2005, the parties filed a Joint Motion to Extend All Remaining Pre-Trial Deadlines, including the deadline for Defendants to file an opposition to Plaintiff's motion regarding the standard of review. That motion, which was filed because the parties were engaged in settlement discussions and wanted more time to engage in such discussions before further litigation, was allowed by the Court. Following the granting of that

¹ Incorrectly named as Liberty Mutual Assurance Company of Boston

motion, the parties engaged in settlement discussions for several weeks, but those discussions proved unsuccessful. Defendants must now file their opposition to Plaintiff's motion by March 21, 2005.

2. Because Plaintiff's motion for de novo review includes several arguments related to multiple legal and factual issues, and because there has been a delay in the period of time for Defendants to respond to this motion because of ongoing settlement discussions, Defendants now request an extension of one week or up to and including March 28, 2005 to file their opposition to Plaintiff's motion for de novo review.

WHEREFORE, Defendants request, with the assent of Plaintiff, that the Court permit them an extension of time up to and including March 28, 2005, to file their opposition to Plaintiff's Motion to Establish Denial of Benefits Claim by Liberty Mutual Assurance Company of Boston is Subject to the De Novo Standard of Review.

Respectfully submitted,

LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON, THE GENRAD, INC. LONG TERM
DISABILITY PLAN, THROUGH TERADYNE,
INC., AS SUCCESSOR FIDUCIARY
By their attorneys,

/s/ Richard W. Paterniti
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March 18, 2005

ASSENTED TO AND AGREED TO BY: /s/ Jonathan M. Feigenbaum (by RWP)
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